

Regular Session, 2012

HOUSE BILL NO. 326

BY REPRESENTATIVE WILLMOTT

MENTAL HEALTH: Authorizes certain health professionals to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse

1 AN ACT

2 To amend and reenact Children's Code Articles 1421, 1422(A)(1) and (2), and 1423(A)(2),  
3 relative to the emergency certificate admission procedure; to authorize a psychiatric  
4 mental health nurse practitioner or psychologist to execute an emergency certificate  
5 under certain circumstances; to require the inclusion of the date that an examination  
6 was conducted by a psychiatric mental health nurse practitioner or psychologist on  
7 the emergency certificate; to require the director of a treatment facility to provide the  
8 parish coroner with the name of the psychiatric mental health nurse practitioner or  
9 psychologist that executed an emergency certificate for a minor's admission to  
10 treatment; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Children's Code Articles 1421, 1422(A)(1) and (2), and 1423(A)(2) are  
13 hereby amended and reenacted to read as follows:

14 Art. 1421. Examination required

15 Any physician, psychiatric mental health nurse practitioner, or psychologist  
16 may execute an emergency certificate only after an actual examination of a minor  
17 alleged to be mentally ill or suffering from substance abuse who is determined to be  
18 in need of immediate medical treatment in a treatment facility because the examining  
19 physician, psychiatric mental health nurse practitioner, or psychologist determines

1 him to be dangerous to himself or others or to be gravely disabled. Failure to  
2 conduct an examination prior to the execution of the certificate will be evidence of  
3 gross negligence.

4 Art. 1422. Certificate; contents

5 A. The emergency certificate shall state all of the following:

6 (1) The date ~~of the physician's examination of~~ the physician, psychiatric  
7 mental health nurse practitioner, or psychologist examined the minor, which shall not  
8 be more than seventy-two hours prior to the date of the signature of the certificate.

9 (2) The objective findings of the physician, psychiatric mental health nurse  
10 practitioner, or psychologist relative to the physical and mental condition of the  
11 minor, leading to the conclusion that he is dangerous to himself or others or is  
12 gravely disabled as a result of substance abuse or mental illness.

13 \* \* \*

14 Art. 1423. Coroner; notice; independent examination; discharge

15 A. Upon admission of any minor by emergency certificate to a treatment  
16 facility, it shall be the duty of the director of the treatment facility immediately to  
17 notify the coroner of the parish in which the treatment facility is located of the  
18 admission, giving the following information if known:

19 \* \* \*

20 (2) Name of certifying physician, psychiatric mental health nurse  
21 practitioner, or psychologist.

22 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Willmott

HB No. 326

**Abstract:** Authorizes a psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse.

Present law (Ch.C. Art. 1421) authorizes any physician to execute an emergency certificate only after an actual examination of a minor alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate medical treatment in a treatment facility because the examining physician determines him to be dangerous to himself or others or to be gravely disabled. Further provides that the failure to conduct an examination prior to the execution of the certificate constitutes evidence of gross negligence.

Proposed law adds authorization for a psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate after examination of the minor and a determination that such minor is a danger to himself or others.

Present law (Ch.C. Art. 1422(A)(1) and (2)) in pertinent part, requires that an emergency certificate state the following:

- (1) The date of the physician's examination of the minor, which must not be more than 72 hours prior to the date of the signature of the certificate.
- (2) The objective findings of the physician relative to the physical and mental condition of the minor, leading to the conclusion that he is dangerous to himself or others or is gravely disabled as a result of substance abuse or mental illness.

Proposed law modifies present law by specifying that the date a psychiatric mental health nurse practitioner or psychologist examined the minor must also be included in an emergency certificate.

Present law (Ch.C. Art. 1423(A)(2)) provides that whenever a minor is admitted to a treatment facility by emergency certificate, the director of the treatment facility must immediately notify the coroner of the parish in which the treatment facility is located of the admission and provide the name of the certifying physician.

Proposed law adds a requirement that if a psychiatric mental health nurse practitioner or psychologist executes the emergency certificate for a minor's admission to a treatment facility the director of such facility must provide the name of that health professional to the parish coroner.

(Amends Ch.C. Arts. 1421, 1422(A)(1) and (2), and 1423(A)(2))